

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

UNNITED STATES OF AMERICA f/u/b/o )	
TIP TOP CONSTRUCTION CORP., )	
) )	
Plaintiff, ) )	
) )	Case No. 1:17-cv-0026
v. ) )	
) )	
CMGC BUILDING CORP. and ENDURANCE ) )	
AMERICAN INSURANCE COMPANY, ) )	
) )	
Defendants. ) )	

**MEDIATION REFERRAL ORDER**

**THIS MATTER** comes before the Court *sua sponte*. This case is currently scheduled for Jury Selection and Trial for February 5, 2024. It appearing to the Court that it may be beneficial for the parties to participate in court-ordered mediation before a judicial officer. Accordingly, the Court being fully advised on the premises herein, it is hereby

**ORDERED** that this matter be referred to mediation under the following conditions:

1. The Court hereby appoints **U.S. Magistrate Judge Ruth Miller** to serve as mediator at no additional cost to the parties.
2. Mediation shall be completed **within ninety (90) days** of the date of entry of this Mediation Referral Order. Each party shall be required to have an individual with full settlement authority physically present at all mediation sessions. This provision may be relaxed in the discretion of the mediator.
3. If an agreement is reached, it must be reduced to writing and signed by the Parties. The written agreement must be filed **within ten (10) days** after the final mediation session. If the agreement is not filed, a joint stipulation of dismissal or consent judgment shall be filed **within twenty (20) days** of the final mediation session. The Parties must submit the results of the final mediation to the Court no later than **January 8, 2023**.
4. In the event of any breach or failure to perform under the agreement, the Court upon motion may impose sanctions, including costs, attorney fees, or other appropriate remedies including entry of judgment on the agreement. Failure of any of the Parties to make a good faith effort to adhere to the described procedures and/or to mediate the dispute will be subject to the appropriate sanctions the Court deems necessary.

*Tip Top Constr. Corp. v. CMGC Bldg. Corp.*

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**ORDERED** that any Party's failure to proceed as ordered will result in the Court imposing appropriate sanctions.

**Dated:** September 20, 2023

*/s/ Robert A. Molloy* \_\_\_\_\_

**ROBERT A. MOLLOY**

**Chief Judge**